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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,541	07/22/2003	Tsuyoshi Shibata	01272.020609.	4875
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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HUFFMAN, JULIAN D	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,541

Applicant(s)

SHIBATA ET AL.

Examiner

Julian D. Huffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-12 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-12 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 8, 9, 12, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Silverbrook (U.S. 6,575,549 B1, cited in previous rejection).

Silverbrook discloses:

With regards to claims 1 and 12, an inkjet printing method and apparatus using a printing head (fig. 1) having a plurality of nozzles (A-N) capable of ejecting ink for printing an image by ejecting ink based on printing data which instructs ejection or non-ejection of ink, the plurality of nozzles being aligned next to each other along a predetermined direction, wherein

compensation means (column 1, line 55) performs the step of adding the printing data corresponding to an abnormal nozzle malfunctioning in ink-ejection (nozzle h) to the printing data corresponding to a neighboring nozzle of the abnormal nozzle (nozzles G or I, fig. 3, column 3, lines 2-12),

when an N-th nozzle of the plurality of nozzles is an abnormal nozzle, a neighboring printing area neighboring a printing area to be printed by the N-th abnormal nozzle is printed by using an (N-M)-th neighboring nozzle (G) and an (N+M)-th neighboring nozzle (I, where N and M are positive integers) arranged in the neighborhood of the N-th abnormal nozzle based on the printing data corresponding to the N-th abnormal nozzle (column 3, lines 5-12, for a given print area, nozzles G and I on either side of nozzle H take turns printing the data of nozzle H), and

the printing data corresponding to the N-th abnormal nozzle is alternately added to the printing data corresponding to the (N-M)-th neighboring nozzle and the (N+M)-th neighboring nozzle every time the printing data corresponding to the N-th abnormal nozzle is present (column 3, lines 13-16).

With regards to claims 8, 9, 19 and 20, means for or step for completely printing an image in a predetermined area of a printing medium by a single movement of a single printing head relative to the printing medium while ink is ejected out of the nozzles of the single printing head based on the printing data (column 2, lines 39-42).

3. Claims 7 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,481,816 B1 to Oyen.

Oyen discloses:

With regards to claim 7, an inkjet printing method and apparatus using a printing head (fig. 1, element 3) having a plurality of nozzles (7) capable of ejecting ink for printing an image by ejecting ink based on printing data which instructs ejection or non-ejection of ink, the plurality of nozzles being aligned next to each other along a predetermined direction (fig. 1), comprising:

compensation means (fig. 2, element 14) for/step of adding the printing data corresponding to an abnormal nozzle malfunctioning in ink-ejection to the printing data corresponding to a neighboring nozzle of the abnormal nozzle (abstract);

when an N-th nozzle of the plurality of nozzles is an abnormal nozzle, a neighboring printing area neighboring a printing area to be printed by the N-th abnormal nozzle is printed by using an (N-M)-th neighboring nozzle and an (N+M)-th neighboring nozzle (where N and M are positive integers) arranged in the neighborhood of the N-th abnormal nozzle based on the printing data corresponding to the N-th abnormal nozzle (figs. 5a-5d, column 6, lines 2-25), and

when the printing data corresponding to the N-th abnormal nozzle is added to that corresponding to the (N-M)-th neighboring nozzle and the (N+M)-th neighboring nozzle, a printing resolution of the printing head is improved (compare figs. 5b and 5c, wherein resolution is improved when compared to the image that would be printed without correction).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook in view of Su (5,929,875).

Silverbrook does not expressly disclose varying the manner of adding print data of the abnormal nozzle to the neighboring nozzle depending on type of print medium.

Su et al. teach adjusting the drop size based on the type of print medium (column 3, lines 22-24 and column 24, lines 12-18).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Silverbrook to adjust the print data depending on the type of print medium, as taught by Su et al., for the purpose of accommodating for different ink absorption properties of various media types (column 24, line 18).

6. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook in view of Oyen.

Silverbrook discloses printer diagnostics that determines if a nozzle is functioning properly (column 2, lines 53-56).

Silverbrook does not disclose the details of the printing diagnostics, or means for/step of printing a correction pattern on a printing medium by using the printing head, the detection pattern being for use in detecting the state of the nozzles and detecting means for/step for detecting the abnormal nozzle based on the detection pattern printed on the printing medium.

Oyen discloses means for/step of printing a detection pattern on a printing medium by using a printing head and, detecting the state of the nozzle and detecting means for/step of detecting the abnormal nozzle based on the detection pattern printed on the printing medium (column 8, lines 38-45).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Silverbrook to include printing means for causing the printer to perform the step of printing a detection pattern and detecting means for causing the printer to perform the step of detecting an abnormal nozzle based on the detection pattern printed, as taught by Oyen, for the purpose of providing a means to detect abnormal nozzles.

7. Claims 4-6 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oyen in view of Bland (6,278,469).

Oyen discloses:

With regards to claims 4 and 15, an inkjet printing method and apparatus using a printing head (fig. 1, element 3) having a plurality of nozzles (7) capable of ejecting ink for printing an image by ejecting ink based on printing data which instructs ejection or non-ejection of ink, the plurality of nozzles being aligned next to each other along a predetermined direction, comprising,

compensation means (fig. 2, element 14) for/step of adding the printing data corresponding to an abnormal nozzle malfunctioning in ink-ejection to the printing data corresponding to a neighboring nozzle of the abnormal nozzle (abstract),

when an N-th nozzle of the plurality of nozzles is an abnormal nozzle, a neighboring printing area neighboring a printing area to be printed by the N-th abnormal nozzle is printed by using an (N-M)-th neighboring nozzle and an (N+M)-th neighboring nozzle (where N and M are positive integers) arranged in the neighborhood of the nozzle based on the printing data corresponding to the N-th abnormal nozzle,

the printing data corresponding to the N-th abnormal nozzle is added to the printing data corresponding to the (N-M)-th neighboring nozzle and the (N+M)-th neighboring nozzle (figs. 5a-5d, column 6, lines 2-25).

Oyen discloses that the amount of ink deposited by the neighboring nozzles may be adjusted (column 6, lines 18-25).

Oyen does not expressly disclose compensation means for causing the printer to perform the step of adjusting the ratio of the printing data corresponding to the N-th abnormal nozzle to be added to the printing data corresponding to the (N-M)-th neighboring nozzle and the (N+M)-th neighboring nozzle based on states which are responsive to the ink-ejection property of the (N-M)-th neighboring nozzle and the (N+M)-th neighboring nozzle, the states obtained based on information regarding the landing position and diameter of the neighboring nozzle as obtained from a test print.

Bland et al. discloses performing a test print on print medium, determining the states, including landing position and diameter information, of the nozzles, and adjusting the ratio of ink deposited based on the states (abstract). Further, Bland et al. teach that the technique may be applied to any ink jet printer (column 11, line 67).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide compensation means in Oyen which causes the printer to perform the step of adjusting the ratio of printing data based on states of the nozzles, as taught by Bland, for the purpose of improving print quality without reducing throughput.

Response to Arguments

8. Applicant's argument that Oyen does not disclose that data corresponding to an ink duct is alternately added to data corresponding to neighboring ink ducts, as claimed in claims 1 and 12 is persuasive. However, these claims are anticipated by Silverbrook.

Applicant's argument that Oyen does not disclose the ratio adjusted based on the states of the nozzles, as recited in claims 4 and 15 is noted. However, applicant is

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respectfully overlooking the combination of Oyen and Bland. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's argument that Oyen does not disclose or suggest that a printing resolution of the printing head is improved when adding the printing data corresponding to the N-th abnormal nozzle to that corresponding to the (N-M)-th neighboring nozzle and the (N+M)-th neighboring nozzle, as recited in claims 7 and 18 is noted. However, this argument is not clear since the examiner has clearly pointed out relevant teachings of Oyen in regards to this limitation and applicant has not adequately explained why Oyen does not disclose these limitations. Should applicant persist in this argument, applicant is encouraged to provide supporting rationale.

Applicant states that Oyen teaches a pixel row printed by a plurality of ink ducts, Applicant further argues that this teaching is contrary to applicant's claimed invention in which a neighboring printing area neighboring a printing area to be printed by an N-th abnormal nozzle is printed using an (N-M)-th neighboring nozzle and an (N+M)-th neighboring nozzle arranged in the neighborhood of the N-th abnormal nozzle. This argument is not persuasive. Firstly, the argument completely overlooks the teachings of Oyen, which have been clearly provided in the rejection. Secondly, the argument respectfully is unclear. Both applicant's invention and Oyen print a pixel row by a

plurality of ink ducts or nozzles. As such, this teaching by Oyen is not seen to preclude the disclosure by Oyen of the limitations which are actually found in the claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (571)

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272-2147. The examiner can normally be reached on 9:30a.m.-6:00p.m. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JD

JH
25 July 2005

K. FEIGINS 8/05
PRIMARY EXAMINER